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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA

4

5 ERNEST CHAVES, No. C 06-1238 SBA

6 Plaintiff,

7 v.

8 ELI LILLY AND COMPANY,

9 Defendant.

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11 On February 21, 2006, Plaintiff Ernest Chaves ("Plaintiff") filed a complaint against defendant
12 Eli Lilly and Company ("Defendant"). On June 12, 2006, Plaintiff filed a Case Management
13 Conference Statement requesting the Court to continue the Case Management Conference, currently
14 scheduled for June 28, 2006 at 2:45 p.m., for approximately 120 days, because Plaintiff had not yet
15 served Defendant. Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff was required to serve
16 Defendant within 120 days of the filing of the complaint, that is by June 22, 2006. As of the date of this
17 order, Plaintiff has not served Defendant. Plaintiff has not shown good cause for his failure to serve.
18 If service of the summons and complaint is not made upon Defendant within 120 days, the Court may
19 dismiss the case without prejudice after providing notice to Plaintiff. *See* Fed. R. Civ. P. 4(m).

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Accordingly,

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IT IS HEREBY ORDERED THAT:

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(1) Plaintiff and/or Plaintiff's counsel of record shall appear in Courtroom 3 of the United
23 States Courthouse, 1301 Clay Street, Oakland, California, on June 28, 2006, at 4:00
24 p.m. to show cause why the above-captioned case should not be dismissed without
25 prejudice for failure to serve the complaint on Defendant.

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(2) No later than Monday, June 26, 2006, Plaintiff or Plaintiff's counsel of record must file
27 a Certificate of Counsel with the Clerk of the Court, to explain why the case should or
28 should not be dismissed for failure to serve.

1 (3) Please take notice that this Order requires both the specified court appearance and the
2 filing of the Certificate of Counsel. FAILURE TO FULLY COMPLY WITH THIS
3 ORDER WILL BE DEEMED SUFFICIENT GROUNDS TO DISMISS THE ACTION.

4 IT IS FURTHER ORDERED THAT the Case Management Conference, currently scheduled for
5 June 28, 2006 at 2:45 p.m., is VACATED.

6 IT IS SO ORDERED.

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8 Dated: 6/22/06


Saundra Brown Armstrong
United States District Judge